

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

ODIE MILLER,

Plaintiff,

VS.

MRS. MOORE, et al.,

Defendants.

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7 : 08-CV-21 (WLS)

RECOMMENDATION

Presently pending in this *pro se* prisoner 42 U.S.C. § 1983 action are several motions. However, the pertinent motion is plaintiff's motion to dismiss this action without prejudice. (Doc. 20).

Plaintiff states that he is grieving due to the death of his father and requests that the action be dismissed without prejudice to his right to refile at a later date. Defendants have filed a response to the motion (doc. 21) stating they have no objection to the dismissal of this action without prejudice.

Accordingly, it is the RECOMMENDATION of the undersigned that plaintiff's motion to dismiss (doc. 20) be **GRANTED**, that the action be DISMISSED WITHOUT PREJUDICE. It is further RECOMMENDED that the remaining motions, doc. 10, doc. 11, doc. 14, doc. 15, be **DENIED** as moot in light of the recommendation to grant plaintiff's motion to dismiss.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

SO RECOMMENDED, this 2nd day of July, 2008.

msd

//S Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE